

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KEVIN HILL, }
Plaintiff, }
v. } Civil Case No. 05-263-JPG-PMF
ANNE ZACHARY, et al., }
Defendants. }

REPORT AND RECOMMENDATION

Before the Court is defendant's motion to dismiss for lack of prosecution (Doc. No. 24). When plaintiff filed this action, he was confined in the Madison County Jail. In June, 2005, plaintiff notified the Clerk of his new address at Menard Correctional Center. Over the past six months, mail sent to plaintiff at the Menard address has been returned to the Clerk with the indication that it could be neither delivered nor forwarded. It appears that plaintiff was released from confinement some time ago. Plaintiff did not notify the Clerk of his release or provide his current address. Meanwhile, on April 23, 2007, plaintiff was directed to serve a more definite statement. Plaintiff did not comply with that order or seek an extension of time.

On June 6, 2007, defendant filed the present motion, seeking dismissal for want of prosecution. Plaintiff's response was due within 30 days. No response is on file. The absence of a response may be construed as an admission that the motion has merit. SDIL-LR 7.1(c). That inference may not be warranted, as it is not clear that plaintiff received a copy of the motion. Even so, the circumstances outlined above show that plaintiff is no longer interested in prosecuting his claims.

IT IS RECOMMENDED that defendant Clements' motion (Doc. No. 24) be GRANTED. This action should be DISMISSED for lack of prosecution.

SUBMITTED: July 23, 2007.

s/ Philip M. Frazier

PHILIP M. FRAZIER

UNITED STATES MAGISTRATE JUDGE